

Application No. 09/853,311
Amendment dated March 14, 2006
Reply to Office Action of December 14, 2005

Docket No. 1232-4713

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-5, 8, 10-17, 20, 22-29, 32 and 34-36 are pending in this application. Claims 1, 13 and 25 are independent. All of the pending claims stand rejected. Claim 20 has been objected to. By this amendment, claim 22 is cancelled. No new matter has been added by this amendment.

Objection

Claim 20 has been objected to as being a substantial duplicate of claim 22.

In response, claim 22 has been cancelled without prejudice or disclaimer.

Applicant respectfully requests that this objection be withdrawn.

Rejection under 35 U.S.C. §103(a)

Claims 1-5, 8, 10-17, 20, 22-29, 32 and 34-36 have been rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,697,106 to Saito ("Saito") in view of U.S. Patent No. 6,130,420 to Tanaka et al. ("Tanaka").

In the *Response to Arguments* section of the Office Action, the Examiner indicates that a portion of Tanaka (i.e., col. 8, lines 46-48) discloses that "LCD is not required and not used in the 'b' mode." The Examiner further indicates that another portion of Tanaka (i.e., col. 8, lines 57-60) discloses that "LCD is not required and not used in the 'c' mode." (pages 2 and 3 of the Office Action)

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Applicant respectfully traverses the rejection for at least the reasons as set forth below.

The cited portions of Tanaka describes:

The signals acquired here are used only for the optics-oriented functions and are thus irrelevant to the quality of images. (col. 8, lines 46-48)

* * * *

After storage of the picked-up image data is completed, the electronic still camera again returns to its monitoring state. (col. 8, lines 57-60)

First of all, the above cited portions of Tanaka do NOT indicate or imply that the LCD is turned OFF in the "b" and "c" modes. The fact that the acquired signals are used only for the optics-oriented functions and are thus irrelevant to the quality of images does not inherently indicate that the LCD is turned OFF at the "b" mode operation. On the contrary, it appears that this statement of Tanaka implies that the LCD is continuously turned ON at these modes. Please note that a portion of Tanaka describes:

Because the operating mode and the driving frequency are switched upon monitoring and at the time of picked-up image data storage, the inventive electronic still camera lowers its power dissipation through reductions in the amount of power consumed by the CCD solid state image sensing device 10 without adversely affecting the motions of images displayed on the LCD 107 or the quality of picked-up images. (col. 9, lines 24-32, emphasis added)

In other words, the operating frequency of Tanaka's camera appears to be controlled based on the operating mode (i.e., a, b, c) whether it is a monitoring stage or an image storage stage, not based on whether the display device is turned ON/OFF as specifically recited in independent claims 1, 13 and 25 of the present invention.

As a result, the cited references (i.e., Saito and Tanaka), either taken alone or in combination, fails to show or suggest the present invention as featured in independent claims 1, 13 and 25 for at least the reasons discussed above.

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Nonetheless, independent claims have been amended for further clarification. For example, amended claim 1 recites "wherein said operating frequency setting device sets the operating frequency of said display unit to either one of the first or second operating frequencies based on whether a shutter button of said image sensing apparatus is operated or not." Other independent claims (i.e., claim 13 and 25) are amended in a similar manner.

While Tanaka discloses changing an operating frequency of an image sensor when a shutter button is operated, there is nothing in Saito and Tanaka that teaches changing the operating frequency of the display unit (e.g., LCD) based on whether a shutter button is operated or not.

Accordingly, claims 1, 13 and 25 as amended are believed to be further distinguishable over the cited art of record.

Reconsideration and withdrawal of the rejections of claims 1, 13 and 25 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

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AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4713). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 14, 2006

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